

# EXHIBIT 5



Advancing Fairness  
in the Marketplace for All

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To Whom It May Concern:

This memo is intended to document the role of the National Consumer Law Center (NCLC) plays in safeguarding the consumer protections of the Telephone Consumer Protection Act (TCPA).

NCLC has a long track record of working to preserve the consumer protections of the TCPA, and is widely seen as the leading pro-consumer voice and expert on TCPA matters pending before both the Federal Communications Commission (FCC) and Congress. Our successful efforts to persuade the FCC to enact regulations and issue declaratory rulings protective of consumers are reflected in our many filings and appearances before the FCC.

Specific examples of NCLC's TCPA-related work include:

- NCLC writes and publishes *Federal Deception Law*,<sup>1</sup> which includes Chapter 6, providing a detailed analysis of all significant TCPA decisions and FCC actions, updated regularly (most recently in February 2018). A section of our *Fair Debt Collection*<sup>2</sup> book deals with the application of the TCPA to abusive debt collection.
- NCLC has commented to the FCC on every major, and many minor, proceedings, rulemakings and requests for exemptions under the TCPA. We write the technical comments and often invite other national, and many state, consumer advocates to sign on, to show that the points made in our comments are broadly supported by consumer advocates nationwide. Our [website](#) on robocalls (sets out most of our substantive filings).<sup>3</sup>
- NCLC was the leading voice on behalf of consumers to rebut industry's attempts to undermine the protections of the TCPA in discussions leading up to the 2010 Omnibus Order. We successfully urged the FCC to a) oppose industry's attempts to allow high numbers of calls for reassigned numbers, b) maintain the current

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<sup>1</sup> National Consumer Law Center, *Federal Deception Law* (3d ed. 2017), updated at [www.nclc.org/library](http://www.nclc.org/library).

<sup>2</sup> National Consumer Law Center, *Fair Debt Collection* (8th ed. 2014), updated at [www.nclc.org/library](http://www.nclc.org/library).

<sup>3</sup> <https://www.nclc.org/issues/robocalls-and-telemarketing.html>.

definition of autodialer that covers most of current technology facilitating robocalls, and c) ensure that consumers can revoke consent. Just one example of this multi-year advocacy effort is reflected in this [ex parte filing](#).<sup>4</sup>

- NCLC has steadfastly—and to date successfully—opposed the calling industry’s repeated attempts to obtain exemptions and exceptions allowing more unwanted and unconsented-to calls to cell phones. This is reflected in our opposition to the request of the American Bankers’ Association; clarifying acceptable emergencies for calls by utility companies and schools; and opposing the health care industry’s continued demands for expansions of unconsented to robocalls.
- We set out the [outline for the rules](#) under which calls to collect government debt should be permitted following the 2015 amendments to the TCPA.<sup>5</sup>
- NCLC attorneys meet regularly with staff of the FCC Chairman’s office, as well as staff of other Commissioners’ office, and staff of the Consumer and Governmental Affairs Bureau.
- NCLC attorneys wrote the amicus to the DC Circuit Court on behalf on behalf of several of the national consumer groups defending the 2010 Omnibus Order, which we were largely instrumental in effecting.
- NCLC Senior Counsel Margot Saunders testified before the Senate in May 2016, on the need to strengthen the Telephone Consumer Protection Act (TCPA) to better safeguard consumers from invasive robocalls and texts to consumer landlines and cell phones. In her testimony, Ms. Saunders noted that in the first four months of 2016, consumer complaints to the FTC regarding unwanted robocalls spiked to an average 279,000 per month.

All of NCLC’s 103 filings at the FCC can be found at this [link](#).<sup>6</sup>

We would be happy to answer any questions or provide any additional requested information. Thank you.

Sincerely,



Richard Dubois  
Executive Director

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<sup>4</sup> [http://www.nclc.org/images/pdf/energy\\_utility\\_telecom/telecommunications/letter-exparte-april2015.pdf](http://www.nclc.org/images/pdf/energy_utility_telecom/telecommunications/letter-exparte-april2015.pdf)

<sup>5</sup> [http://www.nclc.org/images/pdf/energy\\_utility\\_telecom/telecommunications/Group-letter-FCCdebtcoll32316.pdf](http://www.nclc.org/images/pdf/energy_utility_telecom/telecommunications/Group-letter-FCCdebtcoll32316.pdf)

<sup>6</sup> [https://www.fcc.gov/ecfs/search/filings?q=lawfirms.name:\(National%20Consumer%20Law%20Center\)&sort=date\\_disseminated,DESC](https://www.fcc.gov/ecfs/search/filings?q=lawfirms.name:(National%20Consumer%20Law%20Center)&sort=date_disseminated,DESC)